

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANDREW GUIDRY,

Plaintiff,

v.

Case No. 2:21-cv-769-SPC-NPM

CENTERS FOR MEDICARE AND
MEDICAID SERVICES

Defendant.

ORDER

Before the Court is Plaintiff's motion for default judgment (Doc. 9). Federal Rule of Civil Procedure 4(i) dictates that in matters brought against an agency of the United States, Plaintiff must send the summons and complaint to the agency by registered or certified mail, **and**, either send or deliver a copy of the summons and complaint to the United States Attorney for the district where the action is brought, **and** send a copy of the summons and complaint to the Attorney General of the United States in Washington, D.C. The docket reflects Plaintiff has yet to complete these three steps to effect service, and so contrary to the contention advanced in the motion for default judgment, the defendant has not been served with process and thereafter failed to respond to the complaint.

Further, Plaintiff's motion for default judgment is premature. First Plaintiff must file, and the Court must grant, a motion for Clerk's Default. Local Rule 1.10(b). Then and only then may Plaintiff proceed with a motion for default judgment. Local Rule 1.10(c).

Accordingly, Plaintiff's motion for default judgment (Doc. 9) is **DENIED WITHOUT PREJUDICE**. By February 3, 2022, Plaintiff will file proof that he has properly effected service of process as required by Rule 4(i). Failure to comply with this Order may result in the Court dismissing Plaintiff's case without prejudice and without further notice.

ORDERED in Fort Myers, Florida on December 30, 2021.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE